

EXHIBIT 3

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

In re HAIN CELESTIAL HEAVY
METALS BABY FOOD LITIGATION,

This document relates to:

All Actions

Case No. 2:21-cv-0678-JS-AYS

**DECLARATION OF CATHERINE
SUNG-YUN SMITH IN SUPPORT OF
THE STEWART MOVANTS' MOTION
FOR APPOINTMENT OF LORI G.
FELDMAN AND REBECCA A.
PETERSON AS INTERIM CO-LEAD
COUNSEL**

I, **Catherine Sung-Yun Smith**, hereby declare as follows:

1. I am an attorney licensed to practice in the State of Minnesota and have been admitted to practice in several courts across the country. I am a partner with Gustafson Gluek, PLLC. I am counsel of record for Plaintiffs Kelly McKeon, Renee Bryon, Marilyn Cason, Najah Henry, Chanel Jackson, Alexis Dias, and Holly Buffinton in the above-captioned consolidated action. This matter arises out of Hain Celestial Group's ("Hain") misrepresentations and omissions concerning the manufacturing, marketing, advertising, distribution, and sale of certain infant and baby foods as it failed to fully disclose the presence and/or risk of heavy metals and other contaminants to consumers.

2. I submit this declaration in support of the appointment of Lori G. Feldman of George Gesten McDonald PLLC and Rebecca A. Peterson of Lockridge Grindal Nauen P.L.L.P. as Plaintiffs' Interim Co-Lead Counsel pursuant to Fed. R. Civ. P. 23(g), and for the appointment of an Executive Committee consisting of the Susana Cruz Hodge of Lite DePalma Greenberg & Afanador; Catherine Sung-Yun Smith of Gustafson Gluek PLLC; and Stephen R. Bassier of Barrack Rodos & Bacine.

3. Gustafson Gluek is a Minneapolis-based law firm with an office in California and a national and international practice focused on antitrust, consumer protection, and class action litigation representing the consumers. Gustafson Gluek has served on many leadership roles in complex class action cases since its founding in 2003 and obtained multi-million dollar victories among other critical relief for millions of class members. In addition to the complex class action practice, Gustafson Gluek also focuses heavily on being an advocate for the underrepresented through its substantial work with the Minnesota *Pro Se* Project since working on its foundation to its current growth.

4. Attached as Exhibit A is a copy of Gustafson Gluek's firm bio.

5. Gustafson Gluek has been a strong proponent of diversity, not only in the workplace but also in the legal system by supporting appointments of more women and attorneys of diverse background to leadership positions. Gustafson Gluek joined as founding signatory to Inclusivity and Excellence: Guidelines and Best Practices for Judges Appointing Lawyers to Leadership Positions in MDL and Class-Action Litigation, a publication released by the James F. Humphreys Complex Litigation Center at George Washington University Law School.¹

6. I am one of the 8 female attorneys out of 18 total attorneys, and one of 4 female equity partners among 8 total equity partners at Gustafson Gluek where I have been an attorney for fifteen years. I am 44 years old, and a naturalized U.S. citizen born and raised in Seoul, Korea. In my years of practice, I gained significant experience in complex antitrust and consumer protection class action cases representing the consumers either in the leadership role myself or as a part of the firm in a leadership role. During my practice, I managed or worked on various aspects of the litigations from

¹ https://www.law.gwu.edu/sites/g/files/zaxdzs2351/f/downloads/3pagesummary_Complexlitigation.pdf (last accessed May 25, 2021)

investigation, discovery, depositions, expert reports, class certification, and trial preparation. I am also supported by Daniel E. Gustafson and Mary M. Nikolai along with wealth of collective expertise and experience of the firm ready and committed to provide the resources necessary to assist in vigorous prosecution of this case.

7. Counsel for Plaintiffs Nicole Stewart, Charlotte Willoughby, Elizabeth Agramonte, Summer Apicella, Lee Boyd, Kelly McKeon, Renee Bryon, Marilyn Cason, Najah Henry, Chanel Jackson, Alexis Dias, and Holly Buffinton (the “Stewart Movants”) have self-organized and have assembled a leadership structure uniting skill, experience, and diversity to fairly and adequately represent the Plaintiffs and the proposed class. Every firm with a filed case in this proposed structure has had an opportunity to participate in the creation of the leadership structure and have representation in some capacity, with the goal to balance the maximization of resources and efficiency.

8. Lori Feldman and Rebecca Peterson are highly qualified to lead this litigation. Both have significant experience in complex litigation matters, including consumer class action litigation relating to heavy metals and other contaminants or food and consumer goods and have shown that they will lead this litigation in an efficient and practical matter. They will preserve class resources by eliminating unnecessary and duplicative work and managing the time of the firms by requiring submission of contemporaneous prepared time records.

9. Likewise, the proposed Executive Committee is comprised of eminently qualified attorneys who are experienced in the matters presented in this litigation, and capable of leading this Consolidated Action themselves. The proposed leadership structure provides an efficient and effective way to ensure that Plaintiffs can commit the necessary time and resources to this litigation. The resources that the supporting law firms

have and will continue to commit to this litigation simply cannot be matched by any single law firm.

Pursuant to 28 U.S.C § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 26th day of May, 2021

/s Catherine Sung-Yun K. Smith

Catherine Sung-Yun K. Smith

Daniel E. Gustafson

Mary M. Nikolai

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EXHIBIT A

GUSTAFSON LUEK PLLC

Firm Resume



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Firm Overview

Gustafson Gluek PLLC is an 18-attorney law firm with a national practice specializing in complex litigation. We have offices in Minneapolis, Minnesota and San Diego, California. At Gustafson Gluek, we seek to vindicate the rights of, and recover damages for, those harmed by unfair business practices such as illegal price fixing, deceptive trade practices, and the distribution of unsafe medical devices, as well as enjoin companies from engaging in these types of practices in the future.

Founded in 2003, Gustafson Gluek's attorneys have consistently been recognized by their clients, peers, and courts across the country as leaders in their fields and, as such, have been chosen to lead some of the largest and most complex multi-district litigations. Attorneys at Gustafson Gluek have received national and state-wide awards and honors, and are routinely called upon by other leading firms to assist in taking on some of the largest companies and defense firms in the world. Gustafson Gluek was named in the Top 25 Lead Counsel in Antitrust Complaints filed from 2009 – 2019 in the 2019 Antitrust Annual Report produced by the University of San Francisco Law School and The Huntington National Bank. We were also listed as number seven in the list of firms who have filed antitrust cases, having filed 190 antitrust actions during that same time period. Also, according to that same report, in that 2009-2019 time period, Gustafson Gluek helped recover over \$707 million for class members in 48 different antitrust cases.

Gustafson Gluek strongly believes in giving back to the community and promoting diversity in the legal profession. Its attorneys have held leadership positions and actively participate in numerous national, state and affinity legal organizations, including the Federal Bar Association, Minnesota State Bar Association, the Infinity Project, Minnesota Women Lawyers, Minnesota Asian Pacific American Bar Association, and American Antitrust Institute. Gustafson Gluek was instrumental in founding the *Pro Se Project*, a collaboration with the Minnesota District Court pairing indigent federal litigants with attorneys and Gustafson Gluek devote hundreds of hours each year to pro bono service through the *Pro Se Project* and other organizations.

Leadership Positions

Gustafson Gluek's attorneys are frequently recognized by their peers and the Courts as experienced and capable leaders and, as such, have been appointed to lead numerous complex litigations including the following:

In re Google Digital Publisher Antitrust Litig. (N.D. Cal.)

Plaintiffs' Leadership Committee

In re Interior Molded Doors Indirect Purchaser Antitrust Litig. (E.D. Va.)

Co-Lead Counsel

In re Pork Antitrust Litig. (D. Minn.)

Co-Lead Counsel for Consumer Indirect Purchaser Plaintiffs

In re: 3M Combat Arms Earplug Litig. (Minn.)

Co-Lead Counsel

In re DPP Beef Litig. (D. Minn.)

Co-Lead Counsel

In re Dealer Management Systems Antitrust Litig. (N.D. Ill.)

Plaintiffs' Steering Committee

In re CenturyLink Residential Customer Billing Disputes Litig. (D. Minn.)

Executive Committee Chair

In re Syngenta Litig. (Minn.)

Co-Lead Class Counsel

In re Broiler Chicken Antitrust Litig. (N.D. Ill.)

Co-Lead Counsel for Commercial and Institutional Indirect Purchaser Plaintiffs

Vikram Bhatia, D.D.S., et al., v. 3M Company (D. Minn.)

Co-Lead Counsel

In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig. (D. Minn.)

Lead Counsel

In re DRAM Antitrust Litig. (N.D. Cal. and multiple state court actions)

Co-Lead Counsel for Indirect Purchasers

In re Medtronic, Inc. Implantable Defibrillators Products Liability Litig. (D. Minn.)

Co-Lead Counsel

St. Barnabas Hospital, Inc. et al. v. Lundbeck, Inc. et al. (D. Minn.)

Interim Class Counsel

In re Vitamin C Antitrust Litig. (E.D.N.Y.)

Co-Lead Counsel for Indirect Purchasers

In re Flash Memory Antitrust Litig. (N.D. Cal.)

Plaintiffs' Steering Committee

Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd. (E.D.N.Y.)

Co-Lead Counsel

Case Outcomes

Gustafson Gluek has recovered billions of dollars on behalf of its clients since its founding in 2003. At Gustafson Gluek, we seek to vindicate the rights of, and recover damages for, those harmed by unfair business practices such as illegal price fixing, deceptive trade practices, and the distribution of unsafe or defective devices, as well as enjoin companies from engaging in these types of practices in the future. A list of representative cases we have previously litigated and the outcomes of those cases is set forth below.

ANTITRUST

In re Automotive Parts Antitrust Litigation (E.D. Mich.)

Gustafson Gluek was an integral part of the team representing a class of indirect purchases of various automotive components. Plaintiffs alleged that the defendants engaged in a sprawling price fixing conspiracy to artificially increase the price of several different automobile components. Gustafson Gluek helped recover over \$604 million for the class.

In re Capacitors Antitrust Litigation (N.D. Cal.)

Gustafson Gluek represented a class of indirect purchasers of electrolytic or film capacitors. Plaintiffs alleged that at least fifteen multinational corporations conspired to fix the prices of capacitors that they manufactured and sold worldwide and into the United States. Gustafson Gluek attorneys worked closely with Lead Counsel throughout the litigation, which eventually recovered \$84.49 million for the class.

In re Cathode Ray Tube (CRT) Antitrust Litigation (N.D. Cal.)

Gustafson Gluek represented a class of direct purchasers of CRT screens used for computer monitors and televisions. Plaintiffs alleged that defendants conspired to fix the price of these products in violation of the antitrust laws. Gustafson Gluek had a significant discovery role in the prosecution of this antitrust class action, which resulted in settlements totaling \$225 million for the class.

In re DRAM Antitrust Litigation (N.D. Cal. and multiple state court actions)

Gustafson Gluek was appointed Co-Lead Counsel for the indirect purchasers in this nationwide class action against both national and international memory-chip manufacturers. This case dealt with the conspiracy surrounding the pricing of the memory chips commonly known as Dynamic Random Access Memory (or DRAM). DRAM is used in thousands of devices on a daily basis, and Gustafson Gluek was integral in achieving a settlement of \$310 million for the class.

In re Domestic Drywall Antitrust Litigation (E.D. Pa.)

Gustafson Gluek represented a class of direct purchasers of drywall in this antitrust case. Plaintiffs alleged that the defendant manufacturers conspired to artificially increase the price of drywall. Gustafson Gluek played an active role in the litigation. A class was certified, and Gustafson Gluek helped recover over \$190 million for the class.

In re Containerboard Antitrust Litigation (N.D. Ill.)

Gustafson Gluek represented a class of direct purchasers of containerboard products and was a defendant team leader. Plaintiffs alleged that defendant containerboard manufacturers conspired to fix the price of containerboard. As team leader, Gustafson Gluek handled all aspects of discovery, including the depositions of several senior executives. Gustafson Gluek helped to secure over \$376 million for the class.

In re Lithium Ion Batteries Antitrust Litigation (N.D. Cal.)

Gustafson Gluek represented a class of direct purchasers of lithium ion batteries in a multidistrict class action. Plaintiffs alleged collusive activity by the world's largest manufacturers of lithium ion batteries, which are used in everything from cellular phones to cameras, laptops and tablet computers. Gustafson Gluek had a significant discovery role in the prosecution of this antitrust class and helped recover over \$139 million for the class.

Precision Associates, Inc., et al. v. Panalpina World Transport (Holding) Ltd., et al. (E.D.N.Y.)

Gustafson Gluek was Co-Lead Counsel representing a class of direct purchasers of freight forwarding services in this international case against 68 defendants. Plaintiffs alleged that defendants engaged in an international conspiracy to fix, inflate, and maintain various charges and surcharges for freight forwarding services in violation of U.S. antitrust laws. Gustafson Gluek worked to secure over \$450 million for the class.

In re Resistors Antitrust Litigation (N.D. Cal.)

Gustafson Gluek worked closely with Lead Counsel representing indirect purchasers of linear resistors. Plaintiffs alleged that the defendant manufacturers conspired to increase the price of linear resistors, thereby causing indirect purchasers to pay more. After engaging in extensive discovery, Plaintiffs recovered a total of \$33.4 million in settlements for the indirect purchaser class.

In re TFT-LCD (Flat Panel) Antitrust Litigation (N.D. Cal.)

Gustafson Gluek served an integral role handling complex discovery issues in this antitrust action representing individuals and entities that purchased LCD panels at supracompetitive prices. Gustafson Gluek attorneys worked on a range of domestic and foreign discovery matters in prosecuting this case. The total settlement amount with all of the defendants was over \$1.1 billion.

CONSUMER PROTECTION

Syngenta Corn Seed Litigation (Minn. & D. Kan.)

Gustafson Gluek was appointed Co-Lead Counsel for the class of Minnesota corn farmers suing Syngenta for negligently marketing its Agrisure/Viptera corn seed before it had been approved in all of the major corn markets. Gustafson Gluek was an integral part of the litigation team in Minnesota, participating in all facets of discovery, motion practice and expert work. Dan Gustafson was one of the lead trial counsel and was also appointed as part of the settlement team. Ultimately, these cases settled for \$1.51 billion on behalf of all corn farmers in America.

In re Centurylink Sales Practices and Securities Litigation (D. Minn.)

Gustafson Gluek was Chair of the Executive Committee and represented a class of current and former CenturyLink customers who paid too much for their phone, internet or television services due to CenturyLink's unlawful conduct. Plaintiffs alleged that CenturyLink engaged in deceptive marketing, sales, and billing practices across the dozens of states in which it does business by: (1) promising a discount or promotion that was never applied; (2) charging more for services than it advertised or otherwise promised; (3) charging for services it did not provide; (4) charging for services customers did not request; (5) charging undisclosed or higher-than-agreed upon fees; (6) charging improper terminations fees; and (7) putting customers into collections as a result of unpaid overcharges. Ultimately, Plaintiffs recovered \$18.5 million in settlements for this class.

Yarrington, et al. v. Solvay Pharmaceuticals, Inc. (D. Minn.)

Gustafson Gluek represented a class of individuals alleging unfair competition and false and deceptive advertising claims against Solvay Pharmaceuticals in the marketing of Estratest and Estratest HS, prescription hormone therapy drugs. Gustafson Gluek helped recover \$16.5 million for the class.

SECURITIES

St. Paul Travelers Securities Litigation I and II (D. Minn.)

Gustafson Gluek served as liaison counsel in both of the St. Paul Travelers Securities Litigations. At issue in the cases were public statements as well as material omissions St. Paul Travelers made that negatively impacted the stock prices of the Company. On behalf of New Mexico State Funds, Gustafson Gluek worked to litigate the two separate class actions against St. Paul Travelers, resulting in multi-million-dollar settlements.

Smith v. Questar Capital Corp., et al. (D. Minn.)

Gustafson Gluek represented a class of investors who were defrauded in a Ponzi scheme by a brokerage firm that sold bonds to sustain an entity that had collapsed into bankruptcy. Gustafson Gluek helped recover \$3 million for the class of 125 investors.

PRODUCT LIABILITY

Bhatia v. 3M Co. (D. Minn.)

Gustafson Gluek represented a class of dentists who bought 3M Lava Ultimate Restorative material for use in dental crowns. Gustafson Gluek was appointed as Co-Lead Counsel for Plaintiffs, who alleged that the 3M Lava material failed at an unprecedented rate, leading to substantial loss of time and money for the dentists and injury to the patients. Gustafson Gluek helped secure a settlement of approximately \$50 million for all of the dentists who had suffered damages from the failure of this product.

Medtronic, Inc., Sprint Fidelis Leads Products Liability Litigation (D. Minn.)

Gustafson Gluek was Lead Counsel representing Plaintiffs, who had Medtronic's Sprint Fidelis Leads implanted in them. Plaintiffs alleged that Medtronic's Sprint Fidelis Leads contained serious defects that cause the leads to fracture, resulting in unnecessary shocks. Ultimately, these cases settled for over \$200 million on behalf of thousands of injured claimants who participated in the settlement. The settlement included a seven year claim period in which individuals who were registered to participate in the settlement could make a claim if their device failed or was removed within that time period for reasons related to the alleged defect.

Medtronic, Inc. Implantable Defibrillators Products Liability Litigation (D. Minn.)

Gustafson Gluek was appointed Co-Lead Counsel in this MDL representing individuals, who were implanted with certain implantable defibrillators manufactured by Medtronic, Inc. Plaintiffs alleged that these certain Medtronic's implantable cardioverter defibrillators (ICDs), and cardiac resynchronization therapy defibrillators (CRT-Ds) contained serious battery defects, which resulted in a recall of the products at issue. Plaintiffs alleged that Medtronic, Inc. knew about this defect, intentionally withheld important information from the FDA and the public and continued to sell the devices for implantation into patients facing life-threatening heart conditions. Gustafson Gluek, in its role as Co-Lead Counsel, helped secure a settlement of approximately \$100 million dollars for claimants who participated in the settlement.

INTELLECTUAL PROPERTY & PATENT MISUSE

Augmentin Litigation (E.D. Va.)

Gustafson Gluek represented a class of direct purchasers of the pharmaceutical drug, Augmentin. Plaintiffs alleged that defendant GlaxoSmithKline violated the antitrust laws by unlawfully maintaining its monopoly over Augmentin and preventing the entry of generic equivalents. Gustafson Gluek helped recover \$62.5 million for the class.

Dryer, et al., v. National Football League (D. Minn.)

The U.S. District Court for the District of Minnesota appointed Gustafson Gluek Lead Settlement Counsel in *Dryer v. NFL*. In that capacity, Gustafson Gluek represented a class of retired NFL players in protecting their rights to the use of their likenesses in marketing and advertising. Gustafson Gluek helped secure a settlement with the NFL that created unprecedented avenues of revenue generation for the class.

Spine Solutions, Inc., et al. v. Medtronic Sofamore Danek, Inc., et al. (W.D. Tenn.)

Gustafson Gluek was one of the counsel representing the plaintiff, Spine Solutions, Inc. and Synthes Spine So., L.P.P., in a patent litigation against Medtronic Sofamor Danek, Inc. and Medtronic Sofamor Donek, USA. The patent at issue in that case involved technology relating to spinal disc implants. This case went to trial in November 2008 and a jury verdict was returned in favor of our clients. The jury found willful infringements and awarded both lost profits and reasonable royalty damages to our clients.

In re Wellbutrin SR Antitrust Litigation (E.D. Pa.)

Gustafson Gluek played an integral role in this pharmaceutical class action. The firm represented direct purchasers of Wellbutrin SR, who alleged that defendant GlaxoSmithKline defrauded the U.S. Patent and Trademark Office and filed sham lawsuits against its competitors, which delayed the availability of the generic version of Wellbutrin SR to consumers. As a result of this delay, Plaintiffs alleged that they paid more for Wellbutrin SR than they would have if the generic version had been available to them. Gustafson Gluek was actively involved in the investigation, discovery, motion practice, and trial preparation for this case and served an essential role in the mediation that resulted in a \$49 million settlement to the direct purchasers.

Practice Areas and Current Cases

ANTITRUST LITIGATION

Gustafson Gluek PLLC is devoted to the prosecution of antitrust violations. We have litigated antitrust cases in federal and state courts across the United States.

Federal and state antitrust laws are designed to protect and promote competition among businesses by prohibiting price fixing and other forms of anticompetitive conduct. Violations can range from straight forward agreements among competitors to raise prices above competitive prices to complicated schemes that affect relationships between different levels of a market.

Ongoing prosecution of these illegal schemes helps protect the average consumer from being forced to pay more than they should for everyday goods. Below are some representative antitrust cases that Gustafson Gluek is currently involved in:

In re Google Digital Publisher Antitrust Litigation (N.D. Cal.)

Gustafson Gluek has been appointed to the Leadership Committee representing a class of publishers who sold digital advertising space via Google. Plaintiffs allege that Google's anticompetitive monopolistic practices led to digital publishers being paid less for their advertising space than they otherwise would have been paid in a competitive market.

In re Broiler Chicken Antitrust Litigation (N.D. Ill.)

Gustafson Gluek is part of the Co-Lead counsel team for class of commercial indirect purchasers. The case alleges chicken suppliers colluded to artificially restrict the supply and raise the price of chicken in the United States. As part of the co-lead counsel team, Gustafson Gluek helped successfully defeated defendants' motion to dismiss. This case is on-going.

In re Pork Antitrust Litigation (D. Minn.)

Gustafson Gluek has been appointed as Interim Co-Lead counsel representing a class of consumers who purchased pork products. Plaintiffs allege pork producers, who control over 80% of the wholesale pork market in the U.S., conspired to fix prices by, among other things, agreeing to restrict production to artificially increase prices. Having survived motions to dismiss, discovery is now in progress.

In re Hard Disk Drive Suspension Assemblies Antitrust Litigation (N.D. Cal.)

Gustafson Gluek represents a class of indirect purchaser end user plaintiffs who purchased products containing Hard Disk Drive (HDD) suspension assemblies. Plaintiffs allege that the defendant HDD suspension assemblies manufacturers unlawfully conspired to fix the prices of the HDD suspension assemblies and manufactured and sold the component worldwide and into the United States at an inflated price.

In re Disposable Contact Lens Antitrust Litigation (M.D. Fla.)

Gustafson Gluek represents a class of individuals who purchased contact lenses made by Alcon, CooperVision, Bausch + Lomb, and Johnson & Johnson. Plaintiffs allege that these manufacturers unlawfully conspired to impose minimum resale price agreements on retailers, which restricts retailers' ability to lower prices to consumers. The class has been certified and discovery is ongoing.

In re Blue Cross Blue Shield Antitrust Litigation (N.D. Ala.)

Gustafson Gluek has been appointed as members of the Damages and Litigation Committees representing a class of subscribers of Blue Cross Blue Shield Alabama. Plaintiffs allege antitrust violations by the defendant. Plaintiffs' counsel recently reached a settlement for \$2.7 billion on behalf of the class.

In re Interior Molded Doors Indirect Purchaser Antitrust Litigation (E.D. Va.)

Gustafson Gluek has been appointed as Interim Co-Lead Counsel with two other firms representing a class of indirect purchasers of interior molded doors. Plaintiffs allege that two of the country's largest interior molded door manufacturers conspired to inflate prices in the market. Plaintiffs' counsel recently settled the case with defendants for \$19.5 million on behalf of the class.

In re Dealer Management Systems Antitrust Litigation (N.D. Ill.)

Gustafson Gluek has been appointed as a member of the Steering Committee representing a class of car dealerships. Plaintiffs allege that defendants unlawfully entered into an agreement that reduced competition and increased prices in the market for Dealer Management Systems ("DMS") and data integration services related to DMS. Plaintiffs have reached a settlement with one defendant but continue to litigate against the remaining defendants.

In re DPP Beef Litigation (D. Minn.)

Gustafson Gluek has been appointed Co-Lead Counsel for a proposed class of direct purchasers of beef. Plaintiffs allege that Cargill JBS, Tyson and National Beef Packing Company conspired to fix and maintain the price of beef in violation of the federal antitrust laws resulting in supracompetitive prices for beef. This litigation is ongoing.

APPELLATE ADVOCACY

Our attorneys are just the experienced, seasoned appellate advocates that can assist in getting the right result. Because we have tried complex cases to jury and bench verdicts, we understand how important the trial court is to a successful appeal.

Gustafson Gluek's appellate attorneys draw from our years of experience practicing before courts at every level of the state and federal system. We have successfully briefed and argued a variety of complex class and non-class cases and been called upon by peers to assist in the appellate process for their clients as well. In addition, we have frequently written briefs and appeared as amicus curiae (friend of the court) on behalf of several professional organizations.

Our appellate attorneys are admitted to practice in the following appellate courts:

- First Circuit Court of Appeals
- Third Circuit Court of Appeals
- Fifth Circuit Court of Appeals
- Eighth Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- Eleventh Circuit Court of Appeals
- Minnesota State Court of Appeals
- Minnesota Supreme Court
- United States Supreme Court

Some of the cases we have argued before the Eighth Circuit include:

- *Karsjens, et al. v. Piper, et al.*
- *LaBrier v. State Farm Fire and Casualty Co.*
- *MN Senior Foundation, et al. v. United States, et al.*
- *Wallace James Beaulieu v. State of Minnesota*
- *Anna Bryant, et al. v. Medtronic, Inc., et al.*
- *Jeanette Rick, et al. v. Wyeth, Inc., et al.*
- *Dryer, et al. v. National Football League*
- *Smith v. Fairview Ridges Hospital*
- *Morgan Larson v. Ferrellgas Partners*

CONSTITUTIONAL LITIGATION

Gustafson Gluek is devoted to the protection of the constitutional liberties of all individuals. We have litigated several cases at the federal court level on matters involving civil commitment, police brutality, prisoner mistreatment and government misuse of private property. Below are some representative cases involving constitutional claims that Gustafson Gluek is currently litigating or has recently litigated:

Doe v. Hanson et al. (Minn.)

Gustafson Gluek represents a former juvenile resident of Minnesota Correctional Facility – Red Wing who alleges he was sexually assaulted by a staff member over the course of several years. Despite alleged knowledge of the risk of the abuse to the juvenile, the Correctional Facility did nothing to protect the juvenile. A settlement was reached in 2021, which included significant financial compensation for the victim, required additional training for the MCF-Red Wing staff, and 3 policy changes at MCF-Red Wing.

Carr v. City of Robbinsdale (Minn.)

Gustafson Gluek represented an individual whose car was seized by the Robbinsdale police. Our client was a passenger in her car, when the driver was pulled over and arrested for driving under the influence. The officer seized the car pursuant to Minnesota's civil forfeiture statute. Gustafson Gluek filed a complaint challenging the constitutionality of the Minnesota civil forfeiture laws. However, prior to any meaningful litigation, the parties were able to settle the case.

Khottavongsa v. City of Brooklyn Center (D. Minn.)

Gustafson Gluek represented the family of a man killed by Brooklyn Center police in 2015. Gustafson Gluek brought section 1983 claims, alleging the officers used excessive force and ignored his medical needs, and that the City of Brooklyn Center failed to train and supervise the officers. Defendant's motion for summary judgment was largely defeated. The case settled prior to trial.

Hall v. State of Minnesota (Minn.)

Gustafson Gluek successfully litigated a case against the State of Minnesota regarding the State's Unclaimed Property Act. On behalf of Plaintiffs, the Firm achieved a ruling that a portion of the State's Unclaimed Property Act was unconstitutional and, as a result, the statute was changed, and property returned to individuals.

Karsjens, et al. v. Jesson, et al. (D. Minn.)

Gustafson Gluek represents a class of Minnesota's civilly committed sex offenders on a pro bono basis through the Federal Bar Association's Pro Se Project. Gustafson Gluek has been litigating this case since 2012, alleging that Minnesota's civil commitment of sex offenders is unconstitutional and denies the due process rights of the class. After a six-week trial in February and March of 2015, Minnesota District Court Judge Donovan Frank found in favor of the class, ruling that the Minnesota Sex Offender Program (MSOP) is unconstitutional, and ordering that extensive changes be made to the program. That order was reversed on appeal. Gustafson Gluek continues to vigorously advocate for the class on the remaining claims and pursue a resolution that will provide constitutional protections to those civilly committed to the MSOP.

Jihad v. Fabian (D. Minn.)

Gustafson Gluek represented an individual bringing suit against the State of Minnesota, the Department of Corrections and others alleging violations of his religious rights relating to his incarcerations in the Minnesota Corrections Facility in Stillwater. Gustafson Gluek was able to secure a settlement for the plaintiff which involved a change in the Department of Corrections policy to provide plaintiff with halal-certified meals at the correction facilities.

Samaha, et al. v. City of Minneapolis, et al. (D. Minn.)

Gustafson Gluek is representing several peaceful protestors who were subject to excessive force at the George Floyd protests in May 2020. While peacefully protesting, the plaintiffs were subjected to tear gas, pepper spray and other violence. The case is a class action seeking declaratory and injunctive relief, including a judgment that the City of Minneapolis has a custom, policy and practice of encouraging and allowing excessive force. The case is on-going.

CONSUMER PROTECTION LITIGATION

Gustafson Gluek PLLC has led class action lawsuits on behalf of consumers alleging consumer protection violations or deceptive trade practices. These cases involve claims related to the false marketing of life insurance, defective hardware in consumer computers, misleading air compressor labeling, and rental car overcharges. Below are some representative cases involving consumer protection claims that Gustafson Gluek is currently litigating:

Big Heart Pet Brands Litigation (N.D. Cal.)

Gustafson Gluek represents a class of individuals who purchased Gravy Train dog food. Plaintiffs allege that the defendant's packages were misleading due to the presence of the euthanasia drug, pentobarbital, found in the dog food at issue.

Champion PetFoods Litigation (multi-state actions)

Gustafson Gluek represents consumers who purchased Orijens and/or Acana brands of Champion PetFoods. Plaintiffs have brought cases in several states, including California, Minnesota, Illinois, Colorado, Wisconsin, Massachusetts and Iowa alleging that Champion PetFoods makes misrepresentations and omissions on their packaging of these dog foods.

Hudock v. LG Electronics USA, Inc. (D. Minn.)

Gustafson Gluek represents a class of consumers who purchased certain LG LED televisions during the relevant time period. Plaintiffs bring this action against LG Electronics USA, Inc. and Best Buy, alleging that certain LG LED televisions were marketed and advertised with a misleading refresh rate specification. The district court has granted Plaintiffs' motion to certify a nationwide class of purchasers of these televisions.

Thomas et al. v. Beech-Nut Nutrition Co. (N.D.N.Y.); McKeon et al. v. Plum, PBC and Plum, Inc. (N.D. Cal.); McKeon et al. v. Hain Celestial Group, (E.D.N.Y.); Hampton et al. v. Nuture, Inc. (S.D.N.Y.)

Gustafson Gluek represents proposed nationwide classes of consumers that purchased Beech-Nut, Plum Organics, Earth's Best Organics, and HappyBaby or HappyTot baby foods. Plaintiffs allege that these baby foods were deceptively marketed and sold because they contain undisclosed levels of heavy metals, including lead, cadmium, mercury and arsenic.

DATA BREACH LITIGATION

Data breaches on the internet and at point-of-sale terminals are an increasing concern for consumers and businesses alike. Data breaches can result in the loss of payment card data, as well as personally identifiable information. This can result in financial loss, identity theft, and privacy concerns.

Gustafson Gluek represents consumers and financial institutions in class actions seeking compensation, changes to data practices, and other relief for injured parties under federal and state law. Below are some representative cases that Gustafson Gluek is currently litigating or has recently litigated:

Marriott International, Inc., Customer Data Security Breach Litigation (D. Md.)

Gustafson Gluek represents a class of consumers whose personally identifiable information, including passport information, customers' names, mailing address, and payment card numbers, as well as other highly-sensitive personal data, was compromised as the result of Marriott's and its merger partner, Starwood Hotels & Resort Worldwide, LLC's deficient data security practices. Many of these consumers have lost time and money responding to the data breach, and they face an ongoing risk of identity theft, identity fraud, or other harm.

In re Equifax Inc. Customer Data Security Breach Litigation (N.D. Ga.)

Gustafson Gluek represented Plaintiffs whose personal information was impacted as the result of the Equifax's deficient data security practices. Plaintiffs reached a settlement where Equifax agreed to pay \$380 million towards the fund for class benefits and an additional \$125 million for out-of-pocket losses in addition to credit monitoring and identity restoration services. This settlement was approved by the court in January 2020.

Landwehr v. AOL Inc. (E.D. Va.)

Gustafson Gluek served as class counsel in this lawsuit, alleging that AOL made available for download its members' search history data, which violated these AOL members' right to privacy under the Federal Electronic Communications Privacy Act. Plaintiffs reached a settlement with AOL that made \$5 million available to pay the claims of class members whose search data was made available for download by AOL.

The Home Depot, Inc., Customer Data Security Breach Litigation (N.D. Ga.)

Gustafson Gluek represented credit unions and a class of financial institutions whose card members' payment data was compromised as the result of Home Depot's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a settlement agreement with Home Depot for \$27.25 million for the class members.

Greater Chautauqua Federal Credit Union v. Kmart Corporation (N.D. Ill.)

Gustafson Gluek served on the court-appointed Plaintiffs' Steering Committee representing a class of financial institutions whose card members' payment data was compromised as a result of Kmart's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a \$5.2 million settlement with K-Mart for the class.

Experian Data Breach Litigation (C.D. Cal.)

Gustafson Gluek represented a class of consumers whose personally identifiable information, including Social Security numbers and other highly-sensitive personal data, was compromised as the result of Experian's deficient data security practices. Many of these consumers lost time and money responding to the data breach, and they face an ongoing risk of identity theft, identity fraud, or other harm. Plaintiffs reached a \$22 million settlement and as a part of the settlement, defendants also agreed and have begun undertaking certain remedial measures and enhanced security measures, which they will continue to implement, valued at over \$11.7 million.

INTELLECTUAL PROPERTY & PATENT MISUSE LITIGATION

Gustafson Gluek represents companies or individuals in asserting or protecting their intellectual property or publicity rights. They have represented patent holders against companies that are infringing the patent rights of our clients. For example, Gustafson Gluek has assisted in the prosecution of patent infringement claims involving medical devices and technology used in printing machines. They have also represented individuals whose publicity rights have been infringed.

Sometimes, however, a patent holder will attempt to abuse its exclusive rights by illegally obtaining or extending a patent. Gustafson Gluek has extensive experience in litigating cases alleging patent misuse. Often this type of patent misuse is found in the pharmaceutical industry, where a brand name pharmaceutical manufacturer will attempt to keep generic drugs off the market by unlawfully extending the life of its patent by committing fraud on the patent office or bringing sham litigation against generic manufacturers for patent infringement. The attorneys at Gustafson Gluek are actively involved in cases involving claims of patent abuse. Below are some representative patent misuse cases that Gustafson Gluek is currently litigating:

In re Remicade Antitrust Litigation (E.D. Pa.)

Gustafson Gluek represents a proposed class of End-Payor Plaintiffs in this antitrust class action. Plaintiffs allege anticompetitive conduct by defendants Johnson & Johnson and Jassen Biotech, Inc. in the biosimilars market. Discovery is ongoing in this litigation.

In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation (E.D.N.Y.)

Gustafson Gluek represents a proposed class of End-Payor Plaintiffs in this antitrust class action. Plaintiffs allege that defendant Allergan engaged in a multifaceted conspiracy to delay generic competition for its brand-name drug Restasis. Motions for class certification in this matter are pending.

In re Opana ER Antitrust Litigation (N.D. Ill.)

Gustafson Gluek represents a proposed class of End-Payor Plaintiffs in this antitrust class action. Plaintiffs allege that defendants, Endo Pharmaceuticals Inc., Endo Health Solutions Inc., Penwest Pharmaceuticals Co. (collectively, "Endo"), and Impax Laboratories, Inc., engaged in anticompetitive conduct to keep generic alternatives to Opana ER off the market.

PRODUCTS LIABILITY LITIGATION

Sometimes, consumers are injured by the products they purchase. Products liability is an area of law that seeks to hold manufacturers of products that have injured individuals responsible for the injuries their defective products caused. These defective products range from medical devices to vehicles to diapers and many others. Gustafson Gluek PLLC represents consumers against the manufacturers of these defective products and has been able to achieve sizable recoveries on behalf of injured individuals. Below are some representative product liability cases that Gustafson Gluek is currently litigating:

Graves v. 3M Co. (D. Minn. / Minn. State Court)

Gustafson Gluek represents civilians who purchased and used the 3M/Aero manufactured dual-sided earplugs for use in both job and recreational endeavors and who have since experienced hearing loss and tinnitus. Plaintiffs allege that the Defendant failed to properly instruct Plaintiffs on how to use these devices.

In re FCA US LLC Monostable Electronic Gearshift Litigation (E.D. Mich.)

Gustafson Gluek serves on the Plaintiffs' Steering Committee and represents individuals who owned or leased 2012-2014 Dodge Chargers, 2014-2015 Chrysler 300s, and 2014-2015 Jeep Grand Cherokees. Plaintiffs allege that these vehicles contain defective gearshifts, which allow vehicles to roll away out of the park position. Issue classes have been conditionally certified.

Krautkramer et al., v. Yamaha Motor Corporation, U.S.A. (D. Minn.)

Gustafson Gluek represents a proposed class of individuals who own or lease a range of Yamaha off-road vehicles. Plaintiffs allege that these vehicles are subject to overheating and engine failure due to a defect in the vehicle engines.

Reynolds, et al., v. FCA US, LLC (E.D. Mich.)

Gustafson Gluek represents a proposed class of individuals who owned or leased 2018-2020 Jeep Wrangler and 2020 Jeep Gladiator vehicles. Plaintiffs allege that these vehicles contain a defective front axle suspension system that causes the steering wheel to shake violently while operating at highway speeds.

Rice v. Electrolux Home Prod., Inc. (M.D. Pa.); Gorczynski v. Electrolux Home Products, Inc. (D.N.J.)

Gustafson Gluek represents classes of individuals who own an Electrolux microwave with a stainless steel handles. Plaintiffs in these cases allege that these certain microwaves, which were sold to be placed over a cooktop surface, have stainless steel handles that can heat to unsafe temperatures when the cooktop below is in use.

Woronko v. General Motors, LLC (E.D. Mich.)

Gustafson Gluek represents a proposed class of individuals who owned or leased 2015-2016 Chevrolet Colorado and GMC Canyon vehicles. Plaintiffs allege that these vehicles are equipped with a defective electrical connection that causes the vehicles to lose power steering while driving under a variety of conditions. This case is in the initial pleading stage.

SECURITIES LITIGATION

Federal laws allow shareholders the right to bring a private action to recover damages the shareholder sustained as a result of securities fraud. Gustafson Gluek PLLC has worked with institutional investors and has been appointed Liaison Counsel in high profile cases in which significant recoveries for the shareholders were achieved. Below are some representative product liability cases that Gustafson Gluek is currently litigating:

Luis v. RBC Capital Markets, LLC (D. Minn.)

Gustafson Gluek represents investors who were improperly sold high-risk reverse convertible notes. These investments triggered devastating financial losses for individuals with conservative investment goals.

Ochoa et al. v. Pershing, LLC (N.D. Texas)

Gustafson Gluek represents investors who were defrauded by Pershing, LLC as a result of Pershing's role in facilitating and profiting from the R. Allen Stanford Ponzi scheme.

Walsh, et al., v. Buchholz, et al. (D. Minn.)

Gustafson Gluek represents individuals who invested in a company that developed a novel dental anesthetic delivery system. Those individuals were defrauded when the officers and directors orchestrated a sale of the company that grossly diluted the investors' financial interest in the company.

Pro Bono & Community

At Gustafson Gluek PLLC, we recognize that those who provide legal services are in a unique position to assist others. We strongly believe in giving back to the community in which we are allowed to practice by providing legal services to those in need. The law can make an immense difference in an individual's life; however, effectively navigating the legal system is not an easy task. Providing pro bono legal services promotes access to justice, by giving counsel to those who otherwise would not have it.

In keeping with this commitment to providing representation to those who otherwise do not have access to representation, Dan Gustafson was one of four lawyers who helped develop and implement the Minnesota *Pro Se* Project for the Minnesota Chapter of the Federal Bar Association. Because the Federal Bar Association did not have funding for the project, Gustafson Gluek volunteered to administer the Project during its inaugural year, starting in May 2009, devoting extensive resources to matching pro se litigants with volunteer counsel. In 2010, Chief Judge Michael Davis of the District of Minnesota awarded Dan Gustafson a Distinguished Pro Bono Service Award for “rising to the Court's challenge of bringing the idea of the *Pro Se* Project to fruition and nurturing the Project into its current form.” Gustafson Gluek has continued representing clients through the *Pro Se* Project since that time.

Gustafson Gluek Personnel Support the Following Volunteer Organizations

- American Antitrust Institute
- American Bar Association
- Animal Legal Defense Fund
- Association of Legal Administrators
- Cookie Cart
- COSAL
- Diverse Daisies
- Division of Indian Work
- Domestic Abuse Project
- Federal Bar Association
- Federal *Pro Se* Project
- Hennepin County Bar Association
- Infinity Project
- Minnesota Paralegal Association
- Minnesota State Bar Association
- Minnesota Women Lawyers
- MinnPost
- MN Chapter of the Federal Bar Association
- MN Urban Debate League
- Page Education Foundation
- Southern MN Regional Legal Services
- The Fund For Legal Aid Society
- University of Minnesota Mood Courts
- University of St. Thomas Mentor
- Externship Program
- Volunteer Lawyers Network
- With Purpose

Our Professionals

DANIEL E. GUSTAFSON

Daniel E. Gustafson is a founding member of Gustafson Gluek PLLC. Mr. Gustafson has dedicated his career to helping individuals or small businesses litigate against large corporation for various antitrust, product defect or consumer fraud violations. He has also strived to use his legal skills to represent those who cannot otherwise afford a lawyer. Mr. Gustafson served as a volunteer public defender in federal court, he was involved in helping develop the Federal Bar Association's *Pro Se* Project, which coordinates volunteer representation for *pro se* litigants, and he has spent thousands of hours representing individuals on a pro bono basis. In 2019, he was given a lifetime achievement award by the Minnesota Federal Bar Association for his work on the *Pro Se* Project.



Mr. Gustafson is admitted to practice in the United States District Court for the District of Minnesota, the United States District Court for the District of North Dakota, the United States District Court for the Eastern District of Michigan, the United States District Court for the Western District of Michigan, the United States District Court for the Eastern District of Wisconsin, the United States Courts of Appeals for the First, Third, Fifth, Sixth, Eighth and Eleventh Circuits, the Minnesota Supreme Court and in the United States Supreme Court.

Mr. Gustafson was an adjunct professor at the University of Minnesota Law School for many years, teaching a seminar long course on the "Fundamentals of Pretrial Litigation."

Mr. Gustafson is a past president of the Federal Bar Association, Minnesota Chapter (2002-2003) and served in various capacities in the Federal Bar Association over the last several years. He was the Vice-Chair of the 2003 Eighth Circuit Judicial Conference held during July 2003 in Minneapolis (Judge Diana E.

Murphy was the Chair of the Conference). He is a member of the Hennepin County, Minnesota, Federal, and American Bar Associations.

At A Glance

Education

- University of Minnesota Law School - J.D., cum laude (1989)
- University of North Dakota - B.S., magna cum laude (1986)

Court Admissions

- Minnesota
- U.S. District Court for the District of Minnesota
- U.S. Court of Appeals for the First, Second, Third, Fifth, Sixth, Eighth, Tenth and Eleventh Circuits
- U.S. Supreme Court

Recognition

- Lifetime Achievement Award from the District of Minnesota Bar (2019)
- Selected as a Minnesota Super Lawyer by Super Lawyers in the field of antitrust litigation (2001 - 2020)
- Selected as an Attorney of the Year (2010, 2013, 2017) by Minnesota Lawyer
- Ranked in the Top 100 Minnesota Lawyers by Super Lawyers (2012-2019)
- Recognized as a North Star Lawyer by the Minnesota State Bar Association (2012, 2013, 2015, 2018)
- Received the American Antitrust Institute Meritorious Service Award (2014)
- Director of The Fund for Legal Aid Board (2014-2018)
- Infinity Project Board Member (2015)
- MWL President's Leadership Circle (2013-2014)
- UST School of Law Mentor (2014-2015)
- AAI Annual Private Enforcement Award and Conference committee member (2014- 2016)

In September 2011, Mr. Gustafson testified before the House Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet regarding the proposed merger between Express Scripts and Medco. Mr. Gustafson also testified before the United States Congressional Commission on Antitrust Modernization in June 2005. In addition to congressional testimonies, Mr. Gustafson has authored or presented numerous seminars and continuing legal education pieces on various topics related to class action litigation, antitrust, consumer protection or legal advocacy.

Mr. Gustafson served as a law clerk to the Honorable Diana E. Murphy, United States District Judge for the District of Minnesota (1989-91). Following his judicial clerkship, Mr. Gustafson worked in the fields of antitrust and consumer protection class action litigation. In May 2003, Mr. Gustafson

formed Gustafson Gluek PLLC where he continues to practice antitrust and consumer protection class action law.

Mr. Gustafson has been named Lead or Co-Lead Counsel, Co-Lead Trial Counsel, or Settlement counsel in many cases over the years, including:

- *In re Syngenta Litig.* (Minn.)
- *In re Broiler Chicken Antitrust Litig.* (N. D. Ill)
- *In re Surescripts Antitrust Litig.* (N.D. Ill.)
- *In re Medtronic, Inc. Sprint Fidelis Liability Litig.* (D. Minn.)
- *Precision Assocs. Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y)
- *In re Medtronic, Inc. Implantable Defibrillators Liability Litig.* (D. Minn.)
- *In re Vitamin C Antitrust Litig.* (E.D.N.Y.)
- *In re DRAM Antitrust Litig.* (N.D. Cal.)
- *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *Karsjens v. Jesson* (D. Minn.)
- *Synthes USA, LLC v. Spinal Kinetics* (N.D. Cal.)
- *KBA-Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.)
- *Spine Solutions, Inc. v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.)
- *Dryer v. National Football League* (D. Minn.)

CATHERINE K. SMITH

Catherine Sung-Yun K. Smith is a member of Gustafson Gluek PLLC. Since joining the firm in 2007, Ms. Smith has been practicing in the area of complex antitrust and consumer protection litigation, particularly cases involving foreign entities. Ms. Smith is fluent in Korean and English and also has basic language skills in German, Japanese, and Chinese.

Ms. Smith has been serving on the Antitrust Enforcement Award Judging Committee for the American Antitrust Institute since 2015. She is an active member of Minnesota Women Lawyers and the Federal Bar Association focusing on issues of diversity. Ms. Smith was selected as a Minnesota “Rising Star” from 2013-2016 by *Super Lawyers*.



Ms. Smith has represented many *pro se* litigants through the Federal Bar Association's *Pro Se* Project in addition to those referred to Gustafson Gluek by other sources and received the Distinguished Pro Bono Service Award in 2010 for her efforts.

She is a graduate of Korea University (B.A. 2000) and a graduate of University of Minnesota Law School (J.D. 2005). Ms. Smith is admitted to the New York Bar, Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

At A Glance**Education**

- University of Minnesota Law School - J.D. (2005)
- Director of the Civil Practice Clinic (2003-2004)
- Director of the William E. McGee National Civil Rights Moot Court Competition (2003-2004)
- Participant in the Maynard Pirsig Moot Court (2003-2004)
- Korea University - B.A. (2000)

Recognition

- Minnesota "Rising Star" 2013-2016
- Distinguished Pro Bono Service Award (2010)

Ms. Smith has been actively involved in several cases in which Gustafson Gluek is or had been appointed to leadership positions or actively involved including:

- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *In re Hard Disk Drive Suspension Assemblies Antitrust Litig.* (N.D. Cal.)
- *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Optical Disk Drive Products Antitrust Litig.* (N.D. Cal.)
- *In re Cathode Ray Tube (CRT) Antitrust Litig.* (N.D. Cal.)
- *In re TFT-LCD (Flat Panel) Antitrust Litig.* (N.D. Cal.) *In re Remicade Antitrust Litig.* (E.D. Pa.)
- *Fath et al. v. Honda North America, Inc.* (D. Minn.)
- *Penrod et al. v. K&N Engineering, Inc.* (D. Minn.)
- *Frost et al. v. LG Corp., et al.* (N.D. Cal.)
- *In re Railway Industry Employee No-Poach Antitrust Litig.* (W.D. Pa.)
- *In re Korean Air Lines Co. Ltd. Antitrust Litig.* (C.D. Cal.)
- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)
- *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.* (E.D.N.Y.)
- *In re Home Depot Data Breach* (N.D. Ga.)
- *In re Experian Data Breach* (C.D. Cal.)

MARY NIKOLAI

Mary Nikolai joined Gustafson Gluek PLLC as an associate in 2019, after clerking for the Honorable Luis Bartolomei, District Judge, Fourth Judicial District of Minnesota. Since joining the Firm, Ms. Nikolai has represented individuals and classes in asserting various consumer fraud and product defect claims. She has also represented a number of former members of the nationwide FLSA collective alleging off-the-clock work in arbitrations throughout the country.

Ms. Nikolai is admitted to the Minnesota State Bar and the United States District Court for the District of Minnesota. She is also an active member of the Federal Bar Association and the Minnesota Women's Lawyers.

During law school, Ms. Nikolai clerked for two Twin Cities law firms and was a judicial extern for the Honorable Patrick Schiltz. She was also a Certified Student Attorney at the St. Thomas Interprofessional Center for Counseling and Legal Services, where she represented a family seeking asylum in the United States, as well as individuals at detained master calendar and bond hearings.



At A Glance

Education

- University of St. Thomas School of Law - J.D. (2018)
- DePaul University - B.A. (2012)
- Selected as the University of St. Thomas Clinic Student of the Year (2017-2018)

Ms. Nikolai has been actively involved in several cases in which Gustafson Gluek is or had been appointed to leadership positions or actively involved including:

- *Turner et al v. Chipotle Mexican Grill, Inc.* (D. Colo.)
- *Reitman v. Champion Petfoods* (C.D. Cal.)
- *Weaver v. Champion Petfoods* (E.D. Wis.)
- *In re Big Heart Pet Brands Litig.* (N.D. Cal.)
- *Krukas et al. v. AARP, Inc., et al.* (D.D.C.)
- *Bhatia v. 3M Co.* (D. Minn.)
- *Doe v. Hanson et al.* (Minn.)
- *Hudock v. LG Electronics USA, Inc.* (D. Minn.)
- *Brewster v. United States* (D. Minn.)